

Kim Velasquez T-73607

C.S.A.T.F. SP. PO.BOX.5242

Corcoran, CA. 93212

FILED
FEB X 4 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT ,NORTHERN
DISTRICT OF CALIFORNIA.

Kim Velasquez , (petitioner). Case No:CV-07-6479

V

Monterey County; MOTION AND DECLARATION FOR
Salinas County Jail et.,al. APPOINTMENT OF COUNSEL

Petitioner, Kim Velasquez moves the Court for an order appointing counsel at public expense. 28 USC §1915 (e) (1) 2254 (h); 18 USC §3006 A.

Petitioner in the above styled cause of action, acting in proper persona herein for the limited purposes stated below, and respectfully moves this Honorable Court for an order appointing counsel to represent him in any and all further proceedings against him that may affect his present or future economic interests, or in the alternative, order his personal appearance at all such future hearings, including law and motions, as may require. Counsel should be appointed because petitioner is illiterate (layman at law), suffers from a mental and physical disability and is unable to proceed alone.

MEMORANDUM OF POINTS AND AUTHORITIES

Petitioner submits the following points and authorities in support of this motion; as well as exhibits.

K.V.

1 An indigent prisoner who is in a civil
2 action is entitled to access to the
3 courts to be heard in his defense.

4 Our Supreme Court decided that as a matter of both due process
5 and equal protection under both the Federal and California Con-
6 stitutions, an indigent prisoner who is in a bona fide legal-
7 action threatening his interests be entitled to be represented.
8 It must be remembered that, however soon liability and damages
9 are litigated, cannot possibly take wing until release from pri-
10 son.

11 In an appropriate case, and as a last alternative, appointment of
12 counsel may be the only way to provide an incarcerated, indigent
13 access to the courts for the protection of threatened personal
14 and property rights.

15 Payne v Superior Court (1976) 17 Cal.3d 908, 919,927;132 Cal.Rptr
16 405; 55 P.3d 565.Kreiling v Field (9th Cir.1970)431 F2d 638.

17 CONCLUSION:therefore based on the foregoing,this court,when and
18 where should hold an evidentiary hearing at which it should make
19 findings of fact and conclusions in the law which it should ex-
20 ercise its informed discretion and grant petitioner such relief
21 as protects his rights of access to this court to defend herein.

22 This motion is hereby made by these pleadings on the grounds that
23 as a matter of state and Federal due process and equal protection
24 petitioner is entitled to access to a civil and fair tribunal.

25 This motion and the attached declaration and memorandum of points
26 and authorities filed herewith, on all the papers, exhibits on
27 records in this action, and on such further evidence as may here-
28 after be admitted in any evidentiary hearing held pursuant to

1 this motion.

2
3 Dated: 1/29/08

Kim Velasquez
Respectfully submitted
In pro-per.

4
5
6 (VERIFICATION)

7 I Kim Velasquez, do declare under the penalty of perjury that the
8 foregoing is true to the best of my knowledge, and that this de-
9 claration was executed on the 29th day of JAN. Here at Corcoran,
10 CA.93212.

11
12 *Kim Velasquez*
Petitioner/Proper.

13 *Richard Lopez*
14 *Richard Lopez*
15 *Richard Lopez*
16 Next friend/witness

17 Dated: 1/29/08.

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22 ORIGINAL
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CALIFORNIA DEPARTMENT OF CORRECTIONS
SATE/SP AT CORCORAN
INMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JUN. 01, 2007 THRU JAN. 10, 2008

ACCOUNT NUMBER : T73607 BED/CELL NUMBER: FEGYM 000000115L
ACCOUNT NAME : VELASQUEZ, KIM ACCOUNT TYPE: I
PRIVILEGE GROUP: A

TRUST ACCOUNT ACTIVITY

<< NO ACCOUNT ACTIVITY FOR THIS PERIOD >>

CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
03/22/2007	H110	COPIES HOLD	4472/COPY	1.20
12/21/2007	H118	LEGAL COPIES HOLD	3376/12-19	1.00
12/21/2007	H109	LEGAL POSTAGE HOLD	3376/12-19	2.85
01/04/2008	H118	LEGAL COPIES HOLD	3468/12-27	1.90
01/04/2008	H118	LEGAL COPIES HOLD	3468/12-26	1.50
01/04/2008	H109	LEGAL POSTAGE HOLD	3472/12-19	1.47
01/04/2008	H109	LEGAL POSTAGE HOLD	3472/12-20	3.25
01/08/2008	H109	LEGAL POSTAGE HOLD	3535/12-27	1.47
01/08/2008	H109	LEGAL POSTAGE HOLD	3535/01-02	1.40

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.00	0.00	0.00	0.00	16.04	0.00

CURRENT
AVAILABLE
BALANCE

16.04-



THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE.

ATTEST:

CALIFORNIA DEPARTMENT OF CORRECTIONS

BY J. C. Wells 1-10-08
TRUST OFFICE

STATE OF CALIFORNIA
GA-22 (9/92)

INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE 12/19/07	TO Records	FROM (LAST NAME) Velasquez	CDC NUMBER T-73607
HOUSING E-GYM-	BED NUMBER 115 lower	WORK ASSIGNMENT student	JOB NUMBER FROM 8 TO 3
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)			ASSIGNMENT HOURS FROM 8 TO 3

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

Need this form and "Certificate of Funds"
sent to enclosed envelope. Thank you.

Do NOT write below this line. If more space is required, write on back.	
INTERVIEWED BY J Colwell AOS	DATE 1-10-08
DISPOSITION	

cc:

RECEIVED ON JAN 15, 08
FR: COUNSORLER HERNANDEZ



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Kim Velasquez Plaintiff,

vs.

Monterey County;
Salinas County Defendant.
Jail et, al

CASE NO. *CV-07-6479*

**PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS**

I, *Kim Velasquez*, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ___ No ✓

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: *N/A* Net: _____

Employer: _____

1 If the answer is "no," state the date of last employment and the amount of the gross and net
 2 salary and wages per month which you received. (If you are imprisoned, specify the last
 3 place of employment prior to imprisonment.)

4 N/A
 5 _____
 6 _____

7 2. Have you received, within the past twelve (12) months, any money from any of the
 8 following sources:

9 a. Business, Profession or Yes ___ No ☒
 10 self employment

11 b. Income from stocks, bonds, Yes ___ No ☒
 12 or royalties?

13 c. Rent payments? Yes ___ No ☒

14 d. Pensions, annuities, or Yes ___ No ☒
 15 life insurance payments?

16 e. Federal or State welfare payments, Yes ___ No ☒
 17 Social Security or other govern-
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
 20 received from each.

21 N/A
 22 _____

23 3. Are you married? Yes ___ No ☒

24 Spouse's Full Name: N/A

25 Spouse's Place of Employment: _____

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ 0 Net \$ 0

28 4. a. List amount you contribute to your spouse's support: \$ 0

b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

N/A

5. Do you own or are you buying a home? Yes ☐ No ☒

Estimated Market Value: \$ 0 Amount of Mortgage: \$ 0

6. Do you own an automobile? Yes ☐ No ☒

Make N/A Year _____ Model _____

Is it financed? Yes ☐ No ☒ If so, Total due: \$ _____

Monthly Payment: \$ 0

7. Do you have a bank account? Yes ☐ No ☒ (Do not include account numbers.)

Name(s) and address(es) of bank: N/A

Present balance(s): \$ 0

Do you own any cash? Yes ☐ No ☒ Amount: \$ 0

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes ☐ No ☒

8. What are your monthly expenses?

Rent: \$ N/A Utilities: N/A

Food: \$ 11 Clothing: 11

Charge Accounts:

Name of Account	Monthly Payment	Total Owed on This Acct.
<u>N/A</u>	\$ _____	\$ _____
<u>11</u>	\$ _____	\$ _____
<u>11</u>	\$ _____	\$ _____

COPY

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable. Do not include account numbers.)

N/A

10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes ☒ No ☐

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed.

California Victim Compensation and Government Claims Board, P.O. Box 3035 Sacto, Ca. 95812

I consent to prison officials withdrawing from my trust account and paying to the court the initial partial filing fee and all installment payments required by the court.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

12/19/07

DATE

K. Velosquez

SIGNATURE OF APPLICANT

COPY

Case Number: NO CV-07-6479

CERTIFICATE OF FUNDS
IN
PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of Kim Velasquez for the last six months
[prisoner name]
CBATF/SP et GARCIA where (s)he is confined.
[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 0 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 0.

Dated: 1-10-08

T. C. Well
[Authorized officer of the institution]

